

MEETING MINUTES
Board of Mental Health Practice
July 10, 2015

These minutes were approved by
the Board on September 11, 2015

1. ROLL CALL

The meeting of the Board of Mental Health Practice was called to order by the Vice-Chair, Dale Battleson, at 9:03 a.m. in Lower Level Room B, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law.

Members Present:	Dale Battleson William Gaughan Susan Meyerle Terrance Moore Allison Reisbig Sarita Ruma Shari Schnuelle	Vice-Chair Member Member Member Member Member Member
Members Absent:	Alan Green Susan Feyen Tom Maxson	Member Secretary (entered 9:06 a.m.) Chair
Others Present:	Kris Chiles Julie Agena Nancy Herdman Kathy Krueger Russell Fosler Peggy Persell Anna Harrison	Program Manager, Licensure Unit Assistant Attorney General Health Licensing Coordinator, Licensure Unit Investigator Investigator Investigation Program Manager Compliance Monitor

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Meyerle moved, seconded by Gaughan, to adopt the agenda. A roll call vote was taken. Voting aye: Battleson, Gaughan, Meyerle, Moore, Reisbig, Ruma, Schnuelle (7). Voting nay: None (0). Absent: Feyen, Green, Maxson (3). Abstain: None (0). Motion carried.

3. APPROVAL OF MINUTES (5-8-15)

MOTION: Meyerle moved, seconded by Ruma, to approve the minutes of 5-8-15. A roll call vote was taken. Voting aye: Battleson, Gaughan, Meyerle, Moore, Reisbig, Ruma, Schnuelle (7). Voting nay: None (0). Absent: Feyen, Green, Maxson (3). Abstain: None (0). Motion carried.

4. INVESTIGATIVE REPORTS AND OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Meyerle moved, seconded by Ruma, to enter into closed session at 9:05 a.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Battleson, Gaughan, Meyerle, Moore, Reisbig, Ruma, Schnuelle (7). Voting nay: None (0). Absent: Feyen, Green, Maxson (3). Motion carried.

9:06 a.m.	-	Feyen entered meeting
9:09 a.m.	-	Krueger departed meeting
9:40 a.m.	-	Harrison departed meeting
9:45 a.m.	-	Harrison entered meeting
9:54 a.m.	-	Ruma departed meeting
9:55 a.m.	-	Ruma entered meeting
10:06 a.m.	-	Harrison departed meeting
10:15 a.m.	-	Harrison entered meeting
10:16 a.m.	-	Persell departed meeting

10:20 a.m. - Break
Fosler departed meeting
10:31 a.m. - Meeting resumed
10:55 a.m. - Feyen departed meeting
10:57 a.m. - Feyen entered meeting
11:25 a.m. - Harrison departed meeting
11:27 a.m. - Harrison entered meeting
11:35 a.m. - Break
Agena departed meeting
12:40 a.m. - Meeting resumed
Kevin Griess, Department attorney, entered meeting

MOTION: Gaughan moved, seconded by Ruma, to enter into open session at 12:05 p.m. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Meyerle, Moore, Reisbig, Ruma, Schnuelle (8). Voting nay: None (0). Absent: Green, Maxson (2). Motion carried.

5. REVIEW AND RECOMMENDATIONS – OPEN SESSION

a. Applications and Reinstatements

Stella Offordirinwa – LMHP and CPC Reinstatement (Early Release from Probation)

MOTION: Meyerle moved, seconded by Reisbig, to recommend denial of reinstatement (early release from probation). A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Meyerle, Moore, Reisbig, Ruma, Schnuelle (8). Voting nay: None (0). Abstain: None (0). Absent: Green, Maxson (2). Motion carried

Applications with Convictions:

Allison DeFrance Widtfeldt – LMHP

MOTION: Feyen moved, seconded by Schnuelle, to recommend approval of the LMHP. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Meyerle, Moore, Schnuelle (6). Voting nay: Reisbig, Ruma (2). Abstain: None (0). Absent: Green, Maxson (2). Motion carried.

Natalie Johnson – PLMHP

MOTION: Feyen moved, seconded by Ruma, to recommend approval of the PLMHP. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Meyerle, Moore, Reisbig, Ruma, Schnuelle (8). Voting nay: None (0). Abstain: None (0). Absent: Green, Maxson (2). Motion carried.

JoAnn O'Connell – PLMHP

MOTION: Moore moved, seconded by Ruma, to recommend approval of the PLMHP. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Meyerle, Moore, Reisbig, Ruma, Schnuelle (8). Voting nay: None (0). Abstain: None (0). Absent: Green, Maxson (2). Motion carried.

LaRhonda Flowers – PLMHP

MOTION: Schnuelle moved, seconded by Feyen, to recommend approval of the PLMHP. A roll call vote was taken. Voting aye: Battleson, Feyen, Meyerle, Moore, Reisbig, Ruma, Schnuelle (7). Voting nay: Gaughan (1). Abstain: None (0). Absent: Green, Maxson (2). Motion carried.

Kendra Williams-Russell-EI – PLMHP

MOTION: Schnuelle moved, seconded by Feyen, to recommend approval of the PLMHP. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Meyerle, Moore, Reisbig, Ruma, Schnuelle (8). Voting nay: None (0). Abstain: None (0). Absent: Green, Maxson (2). Motion carried.

6. UNFINISHED BUSINESS

a. Jurisprudence Examination Update

Copies of the examination results (stats) for the Board members that took the examination were provided. Meyerle commented there were 65 question including some based on the proposed regulations that were flagged and could be taken out. The members reviewed each question and provided feedback on those that needed further review. The committee will review those questions and bring back the revised questions for the next meeting.

Meyerle commented that other states have password protecting examinations so it is not open to everyone. She stated the questions could be randomized. Feyen asked what the examination would be used for. Meyerle responded that using it for the disciplinary process had been discussed.

b. Status of Regulation 172 NAC 94 (no update available)

Chiles reported that there was no updated information to report. She stated, that since Dr. Acierno's resignation, Countney Phillips CEO for DHHS was acting as interim director. We anticipate when a new Director is hired, the regulations will be addressed.

1:12 p.m. - Gaughan departed meeting
1:15 p.m. - Gaughan entered meeting

c. Other

There was no information to report

7. NEW BUSINESS

a. Discussion Relating to the United States Supreme Court Decision (*North Carolina State Bd. of Dental Examiners v. FTC*)

Griess reported that the Supreme Court decision regarding the 'North Carolina Board of Dental Examiners v. Federal Trade Commission' would impact cease and desist orders because the Board can issue them on their own rather than a recommendation to the Department. He stated that his advice is to delay issuing any cease and desist orders until the court order and its impact is further reviewed. Griess stated that there are other options that could be explored, such as the Attorney General's Office could file a lawsuit or a county attorney could file criminal action.

Meyerle commented that Maryland had a FTC complaint that limiting their education to CACREP (Council for Accreditation of Counseling & Related Educational Programs) approved programs was limiting fair trade.

1:17 p.m. - Feyen departed meeting
1:25 p.m. - Feyen entered meeting

b. Ethics and Boundaries Assessment Services (EBAS) Presentation - Meyerle

Meyerle reported that EBAS offered an ethics examination that could be used by licensees. She stated the examination was valid and reliable and used by professions in other states such as chiropractic and other health care areas. The \$1500 fee is paid by the licensee and it is a graded essay examination. Meyerle stated she is a grader but would not grade any examination from a Nebraska person.

An examinee must pass all five areas which are: boundaries, fraud, professional standards, office protocols, and unprofessional conduct. There are four components for each question/area and each is

scored independently. For a fee, an examinee can retake areas they do not pass. A report is provided to the examinee and referring agency and it will show how the individual did in the five areas and four components of each. There is a 53% pass rate for the first time and a 72% pass rate for a retake.

It was discussed that the EBAS examination could be considered as an option when there is a disciplinary action. Meyerle will provide Chiles with a list of professions that have used the examination.

1:25 p.m.	-	Feyen departed meeting
1:26 p.m.	-	Break
1:33 p.m.	-	Meeting resumed
		Feyen entered meeting

c. Correspondence

Life Coaching:

A letter from Melissa Adams of Daybreak Coaching Services was discussed. Adams indicated in addition to providing professional mental health services under her LIMHP/MSW licenses, she has engaged in many hours of formal Life Coach training. She indicated that she plans to provide divorce coaching to the divorce clients of a number of attorneys, including her significant other and wanted to make sure she was taking all the right steps since she also holds a counseling license. She further indicated that it is her intent to provide only coaching services to clients of her significant other and set out several steps she has taken to delineate clear boundaries between her services.

Board Suggestions/Comments: 1) have a protocol in place if a coaching client later sought counseling services from her; 2) have something in writing regarding referrals; 3) review the various professional associations who have statements on coaching vs. counseling.

Battleson asked how divorce coaching could be separated from mental health counseling. It was discussed that one was diagnosis based and the other was more improving a person's life.

Building Blocks to Portability Project of 20/20:

Chiles reported a letter had been received from the American Association of State Counseling Boards (AASCB) and the American Counseling Association (ACA) asking the Board to adopt the licensure title and scope of practice approved by the Building Blocks to Portability Project of 20/20. Meyerle commented that the purpose was to make it easier for a public person to understand what a LPC was and to increase portability for counselors. The Board discussed that to make the changes requested that a statutory change in Nebraska would be required.

Meyerle reported that AASCB had looked at education in all the states to see how many require CACREP approved programs only or had alternative routes. She said Tricare now requires CACREP and states may be asked to consider CACREP only. Meyerle commented that there was a push to have consistency in education.

In terms of licensing, Meyerle reported AASCB was putting forward a proposal that if an individual had an independent license in a state for five years and there was no disciplinary action, that they could be licensed in another state. She asked how the Board felt about adding similar wording into the regulations. Feyen responded that she would need to see how it looked in a draft but she did not feel now was the right time to propose any more changes while the regulations were in the regulatory process. Meyerle stated she would e-mail proposed language.

d. Review of Conviction Guidelines Document

It was decided a committee would be assigned to review the conviction guidelines documents. Maxson and Reisbig will be on the committee and Green will be asked to also be on the committee.

e. Other

There was no information to report

8. UPDATES AND REPORTS

a. Telepractice Subcommittee Report

Chiles stated she would research this to determine if this item needed to remain on the agenda and required further discussion.

AASCB / AMFTRB / ASWB / Citizen Advocacy Center / Justice Behavioral Health Committee

- **AASCB** – This was addressed earlier in the meeting
- **ASWB** – Feyen indicated she would like to attend the ASWB meeting in November.

MOTION: Schnuelle moved, seconded by Ruma, to approve funding for Feyen to attend the ASWB meeting. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Meyerle, Moore, Reisbig, Ruma, Schnuelle (8). Voting nay: None (0). Abstain: None (0). Absent: Green, Maxson (2). Motion carried.

AMFTRB – Meyerle indicated she would like to attend the AMFTRB meeting. Travel expenses were approved at May meeting for Battleson to attend.

MOTION: Schnuelle moved, seconded by Moore, to approve funding for a second person to attend the AMFTRB meeting. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Moore, Reisbig, Ruma, Schnuelle (7). Voting nay: None (0). Abstain: Meyerle (1). Absent: Green, Maxson (2). Motion carried.

b. Disciplinary/Non-Disciplinary Report / Licensure Statistics / Administrative Penalty Fees Assessed

Chiles distributed the list of disciplinary/non-disciplinary actions since May.

Chiles reported the following examination results:

AMFTRB	1 pass
NCE	5 pass, 1 fail
NCMHCE	1 pass, 1 fail

Chiles reported the following active credentials:

LIMHP	1281
MFT	95
MSW	875
CMSW	26
MHP	2638
CPC	1055
PMSW	182
PLMHP	954
CSW	561

Chiles reported there were three individuals with outstanding administrative penalty fees. If a licensee does not pay the administrative penalty by their next renewal, the renewal can be refused under grounds for disciplinary action per the Uniform Credentialing Act.

c. Other

Meyerle asked for input on some possible changes to the regulations as follows:

- No sexual intimacy with clients.
- For technology assisted services, whether it includes any person present in the state such as a person on vacation or only residents of the state.
- Adding a boundary items about not supervising family members and about engaging in business with former clients.
- Accepting only the NCMHCE examination

Board members discussed waiting to consider any changes to the revised regulations until they receive some input on when the proposed regulations would move forward. Meyerle stated she would not do a draft of the proposed regulation change discussed early in the agenda since the Board expressed they did not wish to address any further revisions at that time.

10. ADJOURNMENT

MOTION: Ruma moved, seconded by Reisbig, to adjourn the meeting. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Meyerle, Moore, Reisbig, Ruma, Schnuelle (8). Voting nay: None (0). Abstain: None (0). Absent: Green, Maxson (2). Motion carried.

Battleson adjourned the meeting of the Board of Mental Health Practice at 3:02 p.m.

Respectfully Submitted,

Susan Feyen, Secretary
Board of Mental Health Practice

Next Meeting: September 11, 2015

Summarized by: Nancy Herdman, Health Licensing Coordinator, Licensure Unit